

~~Rule 375-5-2-.34 Emergency Order~~

- ~~(1) If the Department determines that a Tester or Examiner's certification should be suspended, revoked, or cancelled and that the public health, safety, or welfare imperatively requires emergency action, the Department is, upon expressly so finding, authorized to issue an emergency order suspending or revoking the Tester or Examiner's certification.~~
- ~~(2) The Emergency Order shall incorporate such a finding and shall notify the Tester or Examiner of the following requirements:~~
- ~~(3) The Emergency Order is effective upon receipt of the Order.~~
 - ~~(a) The Tester or Examiner may, within fifteen (15) days of receipt of the notice, request a hearing. The request must be in writing and received by the Department within the fifteen (15) day period specified.~~
 - ~~(b) If the Department does not receive a written hearing request within the fifteen (15) day period, any rights to an appeal and hearing shall be considered to have been waived.~~
 - ~~(c) The Order shall be served on the Tester or Examiner by personal delivery or certified mail, return receipt requested.~~
- ~~(4) Upon receipt of a timely, written hearing request:~~
 - ~~(a) The appeals and hearing procedure shall be in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedures Act".~~

~~If the Tester or Examiner has exhausted all administrative remedies available and is aggrieved or adversely affected by the Commissioner's action, the driver training school shall have the right of judicial review in accordance with Chapter 13 of Title 50 of the Official Code of Georgia Annotated.~~

Authority: O.C.G.A. § 40-5-27.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this repeal is to remove an obsolete appeal and hearing procedure.

DIFFERENCE BETWEEN EXISTING AND PROPOSED RULES

This proposed amendment would repeal the current rule in its entirety.